

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: CS/SB 642

INTRODUCER: Education Pre-K - 12 Committee and Senator Smith

SUBJECT: Dating Violence Prevention

DATE: April 6, 2010

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carrouth	Matthews	ED	Fav/CS
2. _____	_____	EA	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill requires district school boards to adopt a policy prohibiting dating violence and abuse and to provide training for school personnel to implement the policy. Additionally, instructional personnel would be required to incorporate a teen dating violence and abuse component into health education for students in grades 7 through 12. Finally, the Department of Education (Department) would be required to develop a model policy no later than January 1, 2011, to serve as a guide for school districts in the adoption of their own policies.

This bill amends section 1003.42 and creates section 1006.148 of the Florida Statutes.

II. Present Situation:

Defining Dating Violence and Abuse

Current law does not specifically define “teen dating violence,” but does define “dating violence” as violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such relationship is to be determined based on the consideration of the following factors:

- A dating relationship must have existed within the past six months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.¹

The term does not include violence in a casual acquaintanceship or violence between individual who only have engaged in ordinary fraternization in business or social context.²

The following individuals have standing in the circuit court to file a sworn petition for injunction against dating violence:

- Any person who is the victim of dating violence and has reason to believe that he or she is in immediate danger of becoming the victim of another act of dating violence.
- Any person who has reasonable cause to believe he or she is in immediate danger of becoming the victim of an act of dating violence.
- The parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence on behalf of that minor child.³

Instructional Content at the Middle and High School Levels

While there is no requirement for a standalone course in health education at the high school level or in the middle grades, current law establishes a comprehensive list of required instruction across multiple content areas.⁴ In particular, 10 components of comprehensive health education are specified as part of the required instruction. Teen dating violence and abuse would be included in the existing components as follows: mental and emotional health, personal health, family life, injury prevention and safety, and substance use and abuse.

The State Board of Education recently adopted six revised courses for middle schools that include content relating to teen dating violence and abuse, such as: life stage; mental, physical and emotional changes during puberty to adolescence; prevention of risky behaviors related to adolescence; interpersonal relationships, relationships with peers and family; common safety and injury prevention practices; harmful effects of alcohol, tobacco, other drugs, and violence; and community health.⁵

Courses offered at the high school level include specific content related to interpersonal relationships which would encompass teen dating violence. These include:

- Health I-Life Management Skills;
- Health II-Personal Health;

¹ s. 784.046(1)(d), F.S.

² *Id.*

³ s. 784.046(2)(b), F.S.

⁴ Section 1003.42(2), F.S., includes specific topics of required instruction, but are not identified with particular courses.

⁵ The health courses listed in the Department of Education Course Code Directory for grades 6 through 8 are: M/J Health 1, M/J Health 2, M/J Health 2 & Career Planning, M/J Health 3, M/J Health 3 & Career Planning, M/J Health 4, M/J Health 5, and M/J Health 6, available at: <http://data.fldoe.org/crsCode/default.cfm?level=68&category=Health>.

- Personal, Social, and Family Relationships;
- Adolescent Health Problems;
- Parenting I;
- Parenting II;
- Health for Expectant Parents; and
- Health for Life in the Workplace.

Data on Dating Violence and Abuse

According to a 2006 National Teen Dating Violence Prevention Initiative, teens are at a higher risk of intimate partner abuse than any other age group. Furthermore, when female high school students were asked whom they would talk to if someone they date attempts to control them, insults them, or physically harms them, 86 percent said they would confide in a friend, while only seven percent said they would talk to police. Moreover, of 10th grade students surveyed at the 4th Annual Teen Dating Abuse Summit, 83 percent reported that they would sooner turn to a friend for help with dating abuse than to a teacher, counselor, parent, or other caring adult. This initiative also found that teen dating violence has a negative impact on a teen's ability to learn.⁶

The 2009 Florida Youth Risk Behavior Survey indicated that 11 percent of students were hit, slapped, or physically hurt by a boyfriend or girlfriend during the preceding 12 months. The survey also found that 6.2 percent of students indicated they had been forced to have sexual intercourse against their wishes. The data trend for these questions has remained steady since 2001.⁷

According to the 2008 Florida School Health Profiles, a biennial survey of middle and high school principals and health educators, teachers reported having provided instruction on violence prevention to their students in middle and high schools and that their students also received instruction in mental and emotional health. Teachers also indicated a desire to have professional development in violence prevention, emotional and mental health, and injury prevention and safety.⁸

III. Effect of Proposed Changes:

The bill requires district school boards to provide instruction to students in grades 7-12 regarding dating violence and abuse, warning signs of such behavior, characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims.

School boards would be required to adopt a policy on teen dating violence and abusive behavior to:

- Prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation;

⁶ See <http://www.abanet.org/unmet/teendating/preventionrecommendations.pdf>; Nunez, Michell and Madeline Wordes. "Our Vulnerable Teenagers: Their Victimization, Its Consequences, and Directions for Prevention and Intervention." National Council on Crime and Delinquency and National Center for Victims of Crime. May 2002.

⁷ Department of Education, bill analysis, HB 467 (2010), December 8, 2009. HB 467 is the House of Representatives' companion bill to this bill.

⁸ *Id.*

- Provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse;
- Define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum with an emphasis on prevention education;
- Implement the dating violence and abuse policy in a manner that is integrated with their school district's discipline policies; and
- Provide dating violence and abuse prevention training to teachers, staff, and school administrators to facilitate implementation of this act.⁹

Current law provides for a definition of dating violence;¹⁰ however, the term “teen dating violence” is not defined. The term may need to be clarified to determine the sponsor's intent.

The bill requires the Department to develop a model policy no later than January 1, 2011, to serve as a guide for district school boards in developing policies that prohibit dating violence and abuse.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

⁹ The student code of conduct, as prescribed in s. 1006.07(2)(g)-(j), F.S., identifies district school board duties relating to student discipline and school safety and consequences for violence at school, school sanctioned events, school bus stops, and transportation. A Student Code of Conduct may include different punishments based on the degree of student violence. This proposal requires that specific consequences for teen dating violence and abuse incidents be included in the student code of conduct.

¹⁰ s. 784.046(1)(d), F.S.

C. Government Sector Impact:

The cost to the Department to develop a model policy prohibiting dating violence and abuse is indeterminate, but expected to be minimal.

The cost of school districts to incorporate specific dating violence and abuse instruction into existing curricula is also indeterminate, but should be minimal in that information on dating violence and abuse is readily available. In addition, school district training of teachers and staff could be incorporated into the district or school professional development program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K-12 on April 6, 2010:

The committee substitute:

- Removes a provision to require that information regarding legal remedies be provided to victims of teen dating violence; and
- Requires the Department of Education to develop a model policy no later than January 1, 2011, to serve as a guide to school districts in development of policies.

B. Amendments:

None.